

United States District Court
Eastern District of California

Jeffers P. Dickey,

Plaintiff,

vs.

M. Churray,

Defendant.

No. Civ. S 03-2215 MCE PAN P

Order

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The court's April 27, 2005, scheduling order provided that discovery should be completed and any motion necessary to resolve a discovery dispute should be filed, briefed, heard, decided and any order complied with by August 19, 2005.

June 22, 2005, plaintiff moved to compel. Defendant opposed July 28, 2005, and the motion is submitted.

August 1, 2005, plaintiff moved for leave to extend the deadline. August 1 and 8, 2005, plaintiff moved to compel discovery. Defendant opposed none of these motions.

1 July 18, 2005, plaintiff moved for leave to serve additional
2 interrogatories. August 1, 2005, plaintiff filed an identical
3 motion. The second motion renders the first moot.

4 August 12, 2005, plaintiff moved for appointment of counsel.
5 The court will not appoint counsel for the reasons explained in
6 the court's January 11, 2005, order.

7 August 15, 2005, plaintiff moved for default for defendant's
8 purported failure to oppose plaintiff's June 22, 2005, motion to
9 compel. Defendant opposed and no sanction is justified.

10 Accordingly, the court hereby orders that:

11 1. Plaintiff's July 18, 2005, motion for leave to serve
12 additional interrogatories is denied as moot.

13 2. Plaintiff's August 1, 2005, motion to extend discovery
14 is granted. The discovery deadline as described in the April 27,
15 2005, scheduling order is extended to January 1, 2006. The
16 deadline for filing and serving motions is extended to March 1,
17 2006. The deadlines for filing and serving pretrial statements,
18 the previously-scheduled pretrial conference and trial are
19 vacated.

20 3. Defendant may oppose plaintiff's August 1, 2005, motion
21 for leave to serve additional interrogatories and plaintiff's
22 August 1 and 8, 2005, motions to compel discovery within 20 days.
23 Plaintiff may reply within 10 days thereafter.

24 4. Plaintiff's August 12, 2005, motion for appointment of
25 counsel is denied.

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Dated: August 30, 2005.